

REMARKS

Applicants have amended the specification at paragraph [0009] of Applicants' publication of the application US 2007/0142664 A1 regarding the description of U.S. Patent No. 4,777,285 to Kummer et al. Support for the amendment may be found in U.S. Patent No. 4,777,285 to Kummer et al. at, for example, Example 1, column 2, lines 65-68, Example 2, column 3, lines 13-16, Example 3, column 3, lines 30-34, and Example 4, column 3, lines 48-51.

Applicants have also amended the specification at paragraph [0038] of Applicants' publication of the application US 2007/0142664 A1 regarding the description of FIG. 2. Support for the amendment may be found, for example, in paragraph [0038] and Fig. 2 of Applicants' publication of the application US 2007/0142664 A1.

Priority under 35 U.S.C 119

Applicants note that the Office Action Summary does not indicate an acknowledgement of a claim to priority under 35 U.S.C 119. Applicants respectfully suggest that the present application is a 35 U.S.C. 371 national stage filing of PCT/EP2004/053536 filed on December 16, 2004 claiming priority from European Patent Application No. 03258057.3 filed on December 19, 2003 as indicated in Applicants' Preliminary Amendment under 37 CFR 1.115 filed on June 15, 2006.

Claim rejections under 35 U.S.C. 102(b) as being anticipated by Kummer

Claims 1-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kummer et al. ("Kummer") (U.S. Patent No. 4,777,285) as indicated at pages 2-4 of the Office Action. Applicants respectfully traverse the rejections. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments and remarks.

Applicants suggest that Kummer column 2, lines 30-43, discloses, for example, that when the reaction is complete, for example after from 0.5 to 5 hours, the reaction mixture is cooled and the acidic catalyst is removed, for example by filtration or

neutralization. The reaction mixture is then advantageously subjected to fractional distillation to obtain the desired alkenecarboxylate. Applicants suggest that Kummer also discloses fractional distillation at, for example, Kummer column 2, lines 44-56, and Kummer Examples 1-4 at column 2, line 65 - column 4, line 10.

Applicants also suggest that Kummer does not anticipate, disclose, or suggest Applicants' process, for example, wherein alkyl alkenoate and alcohol are continuously removed from the liquid phase by distillation (see, for example, Applicants' claim 1). Applicants suggest that Kummer does not anticipate, disclose, or suggest continuous distillation of alkyl alkenoate and alcohol from the liquid phase.

Applicants also suggest that Kummer does not anticipate, disclose, or suggest that Applicants' process conditions provide for a high lactone-to-alcohol molar ratio, for example, at least 3, in the liquid phase (see, for example, Applicants' claim 7 and Applicants' publication of the application US2007/0142664 A1 at paragraph [0026]). Applicants suggest that Kummer column 1, lines 60-62, discloses that the molar ratio of the lactone of the formula II to the alkanol is advantageously from 1:0.5 to 1:10, in particular from 1:1 to 1:5.

Applicants also suggest that Kummer does not anticipate, disclose, or suggest gamma valerolactone (see, for example, Applicants' claims 6 and 20). Kummer column 1, lines 9-12, discloses that it is an object of the present invention to provide a one-stage process for the preparation of alkenecarboxylates possessing a terminal double bond, starting from corresponding 6-membered or 7-membered lactones.

Applicants also suggest that the Kummer disclosure at column 1, lines 48-53, that examples of suitable lactones are caprolactone, 7-methylcaprolactone, δ -valerolactone and 6-methylvalerolactone and that caprolactone, δ -valerolactone and 6-methylvalerolactone are preferred starting materials, teaches away from gamma valerolactone.

CONCLUSION

Applicants respectfully request reconsideration and withdrawal of the claim rejections under 35 U.S.C. 102(b). Applicants further respectfully request entry and consideration of the above amendments and remarks to advance the above-identified application to allowance.

Respectfully submitted,

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